

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

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DAMON LAMAR CAMPBELL,

Plaintiff,

v.

COLLIN BROWN; *et al.*,

Defendants.

3:11-cv-00290-LRH-VPC

ORDER

Before this Court is the Report and Recommendation of U.S. Magistrate Judge Valerie P. Cooke (#70<sup>1</sup>) entered on February 4, 2013, recommending granting in part and denying in part Defendants' Motion for Summary Judgment (#32) filed on April 20, 2012, and denying Plaintiff's Cross-Motion for Summary Judgment (#46) filed on May 16, 2012. Plaintiff filed his Objections to Magistrate Judge's Report and Recommendation (#71) on February 28, 2013. Defendants filed their Response to Plaintiff's Objection to Magistrate Judge's Report and Recommendation (#72) on March 6, 2013. This action was referred to the Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1) and Local Rule 1B 1-4 of the Rules of Practice of the United States District Court for the District of Nevada.

The Court has conducted its *de novo* review in this case, has fully considered the objections of the Plaintiff<sup>2</sup>, the response of the Defendants, the pleadings and memoranda of the parties and other

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<sup>1</sup> Refers to court's docket number.

<sup>2</sup> The court compliments Plaintiff on his well written objections and clear printing.

1 relevant matters of record pursuant to 28 U.S.C. § 636 (b) (1) (B) and Local Rule IB 3-2. After careful  
2 consideration and review, the Court determines that the Magistrate Judge's Report and  
3 Recommendation (#70) entered on February 4, 2013, should be adopted and accepted.

4 IT IS THEREFORE ORDERED that the Magistrate Judge's Report and Recommendation (#70)  
5 entered on February 4, 2013, is adopted and accepted, and Defendants' Motion for Summary Judgment  
6 (#32) is GRANTED in part and DENIED in part as follows:

- 7 1. Defendants' Motion for Summary Judgment (#32) is GRANTED as to Plaintiff's  
8 Fourteenth Amendment due process claim that he did not receive a written notice of  
9 charges at least twenty-four hours before the disciplinary hearing;
- 10 2. Defendants' Motion for Summary Judgment (#32) is DENIED as to Plaintiff's Fourteenth  
11 Amendment due process claim that Defendant Schaff improperly refused to allow Plaintiff  
12 to call an exculpatory inmate witness at the disciplinary hearing;
- 13 3. Defendants' Motion for Summary Judgment (#32) is GRANTED as to Plaintiff's  
14 Fourteenth Amendment due process claim that the guilty finding was not based on  
15 sufficient evidence;
- 16 4. Defendants' Motion for Summary Judgment (#32) is GRANTED as to Plaintiff's  
17 Fourteenth Amendment due process claim that Defendant Neven, Baca and Morrow  
18 improperly denied Plaintiff's grievances related to the disciplinary proceedings.

19 IT IS FURTHER ORDERED that Plaintiff's Cross-Motion for Summary Judgment (#46) is  
20 DENIED.

21 IT IS SO ORDERED.

22 DATED this 29th day of March, 2013.



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24 LARRY R. HICKS  
25 UNITED STATES DISTRICT JUDGE  
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